

COUNTY COUNCIL  
OF  
HARFORD COUNTY, MARYLANDBILL NO. 96-66Introduced by Council President Parrott at the request of the County Executive and Council President  
Parrott and Council Members Heselton, Chenowith, Decker, Glassman, Wagner and ShankLegislative Day No. 96-33 Date December 10, 1996

AN ACT to repeal and re-enact, with amendments, Section 267-4, Definitions, of Article I, General Provisions, and Table I, Amusements, and Sections 267-33, Requirements for specific districts, and 267-39, B1, B2 and B3 Business Districts, of Article VI, District Regulations, of Part I, Standards, of Chapter 267, Zoning, of the Harford County Code, as amended; to provide for a new definition; to allow certain uses in the B3 district under certain conditions; and generally relating to adult bookstores and entertainment centers.

By the Council, December 10, 1996

Introduced, read first time, ordered posted and public hearing scheduled

on: January 14, 1997at: 7:00 p.m.By Order: James D. Vannoy, Acting Secretary**PUBLIC HEARING**

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on January 14, 1997 and concluded on, January 14, 1997

James D. Vannoy, Acting Secretary

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

1           WHEREAS, There are in Harford County certain sexually oriented businesses that require  
2 special supervision from the public safety agencies of the county in order to protect the health, safety,  
3 and welfare of the customers of the businesses and the citizens of the county; and

4           WHEREAS, The County finds that these sexually oriented businesses are frequently used for  
5 unlawful sexual activities, including prostitution and sexual liaisons of a casual nature; and

6           WHEREAS, These activities can result in sexually transmitted diseases that threaten the health  
7 and, in the case of the AIDS virus, the lives of citizens; and

8           WHEREAS, There is convincing documented evidence that sexually oriented businesses,  
9 because of their very nature, have a deleterious effect on nearby businesses and surrounding residential  
10 areas, causing increased crime and lowering property values; and

11           WHEREAS, Determining the location of these businesses with certain conditions is a valid and  
12 legitimate means of insuring that operators of sexually oriented businesses do not knowingly allow  
13 their establishments to be used as places of illegal sexual activity or solicitation; and

14           WHEREAS, There is also evidence that sexually oriented businesses located in close proximity  
15 to each other contribute to neighborhood blight and lessen the quality of life in the area; and

16           WHEREAS, The county desires to minimize and control these adverse effects and thereby  
17 protect the health, safety, and welfare of county citizens; and

18           WHEREAS, the county also desires to protect county citizens from increased crime, to  
19 preserve the quality of life in the county, and to preserve the property values and character of  
20 neighborhoods; and

21           WHEREAS, It is not the intent of this Act to suppress any speech protected under the First  
22 Amendment to the United States Constitution, but to enact a content-neutral law that addresses the  
23 adverse secondary effects of sexually oriented businesses; and

24           WHEREAS, It is the intent of the county through this act to protect the health, safety, and  
25 welfare of the citizens of Harford County.

1 NOW, THEREFORE,

2 Section 1. Be It Enacted By The County Council of Harford County, Maryland that  
3 Section 267-4, Definitions, of Article I, General Provisions, and Table I, Amusements, and 267-39,  
4 B1, B2 and B3 Business Districts, of Article VI, District Regulations, of Part I, Standards, of Chapter  
5 267, Zoning, of the Harford County Code, as amended, be, and they are hereby repealed and re-  
6 enacted with amendments, all to read as follows:

7 Chapter 267. Zoning

8 Article I. General Provisions

9 Section 267-4. Definitions.

10 ADULT BOOKSTORE OR ADULT ENTERTAINMENT CENTER - AN ENTITY OR  
11 ESTABLISHMENT THAT, AS ITS PRINCIPAL BUSINESS PURPOSE, OFFERS FOR SALE,  
12 RENTAL, EXHIBITION OR VIEWING, ANY PRINTED, RECORDED, DIGITALLY  
13 ANALOGUED OR OTHERWISE VIEWABLE MATTER, ANY KIND OF SEXUAL  
14 PARAPHERNALIA OR ANY KIND OF LIVE PERFORMANCE, ENTERTAINMENT OR  
15 EXHIBITION, THAT DEPICTS, DESCRIBES OR RELATES TO SEXUAL CONDUCT, SEXUAL  
16 EXCITEMENT OR SADOMASOCHISTIC ABUSE. FOR PURPOSES OF THIS DEFINITION:  
17 "SEXUAL CONDUCT" MEANS HUMAN MASTURBATION, SEXUAL INTERCOURSE, OR  
18 THE TOUCHING OF OR CONTACT WITH GENITALS, PUBIC AREAS OR BUTTOCKS OF A  
19 HUMAN, THE BREASTS OF A FEMALE, WHETHER ALONE OR BETWEEN MEMBERS OF  
20 THE SAME OR OPPOSITE SEX, OR BETWEEN HUMANS AND OTHERS; "SEXUAL  
21 EXCITEMENT" MEANS THE CONDITION OF HUMAN GENITALS, OR THE BREASTS OF  
22 A FEMALE, WHEN IN A STATE OF SEXUAL STIMULATION, OR THE SENSUAL  
23 EXPERIENCES OF HUMANS ENGAGING IN OR WITNESSING SEXUAL CONDUCT OR  
24 NUDITY; AND "SADOMASOCHISTIC ABUSE" MEANS FLAGELLATION OR TORTURE BY  
25 OR UPON A HUMAN WHO IS NUDE, OR CLAD IN UNDERGARMENTS, OR IN A  
26 REVEALING OR BIZARRE COSTUME, OR THE CONDITION OF ONE WHO IS NUDE OR SO

1 CLOTHED AND IS BEING FETTERED, BOUND OR OTHERWISE PHYSICALLY  
2 RESTRAINED. ADULT ENTERTAINMENT CENTER INCLUDES AN ADULT BOOKSTORE.

3 Article VI. District Regulations.

4 Section 267-39. B1, B2 and B3 Business Districts.

5 10. ADULT BOOKSTORES AND/OR ENTERTAINMENT CENTERS. THESE USES ARE  
6 LIMITED TO THE B3 DISTRICT UPON THE CONDITION THAT:

7 (A) NO LOT ON WHICH SUCH ESTABLISHMENT IS LOCATED SHALL BE  
8 LOCATED WITHIN 1,000 FEET OF ANY INSTITUTIONAL OR RESIDENTIAL USE AS LISTED  
9 ON THE APPROPRIATE USE TABLES.

10 (B) THE MERCHANDISE SHALL BE ARRANGED TO ENSURE THAT NO  
11 MERCHANDISE DEPICTING, DESCRIBING, SHOWING OR RELATING TO SEXUAL  
12 CONDUCT, SEXUAL EXCITEMENT, SADOMASOCHISTIC ABUSE OR HUMAN GENITALIA  
13 IS VISIBLE FROM THE OUTSIDE OF THE ESTABLISHMENT.

14 (C) NO USE SHALL BE LOCATED WITHIN 1000 FEET OF AN EXISTING ADULT  
15 BOOKSTORE/ADULT ENTERTAINMENT CENTER.

16 (D) THE HOURS OF OPERATION SHALL NOT INCLUDE ANY TIME PERIODS  
17 BETWEEN MIDNIGHT AND SIX A.M.

18 Section 2. And Be It Further Enacted that if any provision of this Act or the application  
19 thereof to any person or circumstance is held invalid for any reason in a court of competent  
20 jurisdiction, the invalidity does not affect other provisions or any application of this Act which can be  
21 given effect without the invalid provision or application, and for this purpose the provisions of this Act  
22 are declared severable.

23 Section 3. And Be It Further Enacted that if any part of the definition section is found to be  
24 illegal, the remainder of the definition section shall be severed and given full effect without the invalid  
25 part.

1           Section 4.       And Be It Further Enacted that this Act shall take effect sixty (60) calendar days  
from the date it becomes law.

EFFECTIVE:   March 24, 1997

*The Secretary of the Council does hereby certify that fifteen  
(15) copies of this Bill are immediately available for distribution  
to the public and the press.*

*James D. Vannoy*  
\_\_\_\_\_  
Acting Secretary

Table I:

## Principal Permitted Uses for Specific Zoning Districts

## AMUSEMENTS

USE CLASSIFICATION		ZONING DISTRICTS														
AMUSEMENTS	AG	RR	R	RI	R2	R3	R4	RO	VR	VB	BI	B2	B3	CI	GI	ORI
ADULT BOOK STORE /ADULT ENTERTAINMENT CENTER													P			
Arenas and stadiums													SE	SE	SE	
Carnivals, circuses, concerts and public events (excluding religious activities)	T								T	T	T	T	T	T	T	
Commercial amusement and recreation										P		P	P	P		
Country clubs, golf clubs, tennis and swim clubs	SE	SE	SE	SE	SE	SE	SE					P	P	P	SE	P
Fairgrounds, racetracks and theme parks	SE													SE	SE	
Marinas, boat launching, storage and repair	SE	SE	SE	SE	SE	SE	SE				SE	SE	P	P	P	
Motor vehicle recreation and go-cart tracks	SE														SE	
Nightclubs, lounges, bars and taverns										P			P	P		
Riding stables, commercial or club (except accessory uses)	SE												P	P		
Theaters, indoor	SE									P		P	P	P		P
Theaters, outdoor; shooting ranges, indoor; and golf driving ranges	SE									P			P	P		
Trap, skeet, rifle and archery ranges, outdoor	SE													SE	SE	

## KEY:

"P" indicates permitted subject to applicable code requirements.

"SD" indicates permitted subject to special-development regulations, pursuant to Article VII.

"SE" indicates permitted subject to special-exception regulations, pursuant to Article VIII.

"T" indicates permitted subject to temporary-use regulations, pursuant to § 267-27.

A blank cell indicates that the use is not permitted.

HARFORD COUNTY BILL NO. 96-66(Brief Title) Zoning - Adult Bookstores and  
Adult Entertainment Centers

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

ENROLLED

James D. Vannoy  
Acting Council AdministratorThomas D. Parrott  
President of the CouncilDate January 14, 1997Date 1/14/97

BY THE COUNCIL

Read the third time.

Passed: LSO 97-2 (January 14, 1997)

Failed of Passage: \_\_\_\_\_

By Order

James D. Vannoy  
Acting Council AdministratorSealed with the County Seal and presented to the County Executive for approval this 16th day of January, 1997 at 3:00 p.m.James D. Vannoy  
Acting Council Administrator

BY THE EXECUTIVE

Edwin M. Redman  
COUNTY EXECUTIVEAPPROVED: Date January 21, 1997

BY THE COUNCIL

This Bill (No. 96-66), having been approved by the Executive and returned to the Council, becomes law on January 21, 1997.

James D. Vannoy / mch  
Acting Council Administrator

EFFECTIVE DATE: March 24, 1997